

Railroad Grade Crossing Fund Fiscal Year 2024

Program Overview and Application Guide

Rail Programs Office
Indiana Department of Transportation
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I. Authority and Purpose

The Indiana State Legislature established the Railroad Grade Crossing Fund (GCF) (I.C. 8-6-7.7-6.1) to provide funding for railroad-highway crossing improvement projects throughout Indiana. While the State legislation allows GCF monies to be used for both passive and train activated crossings, the amount of available funds effectively limits the type of improvements at crossings to passive types of improvements. Train activated improvements are generally made using federally supplied funds authorized in Section 130 of United States Code Title 23 (23 U.S.C.).

Passive grade crossings are those that utilize non-train activated warning devices (such as crossbucks and stop signs). The GCF program management principles are designed to promote uniform application of administrative rules and procedures, assure compliance with the current Indiana Manual on Uniform Traffic Control Devices (MUTCD), obligate funds and pay valid claims promptly, and fulfill oversight duties. Any grade crossing improvement funded by the GCF is required to comply with the MUTCD.

The “Other Safety Improvement” (OSI) program is a component of the GCF and allows for additional flexibility in the types of projects funded by the GCF to enhance safety at public rail-highway intersections. Examples of OSI projects are described in Section II under “Eligible Projects.”

The Indiana Department of Transportation (INDOT) Rail Programs Office manages the GCF program as a cost reimbursement grant. Local public agencies (LPAs) such as towns, cities, and counties are eligible to apply as are Class II and III railroads and Port Authorities. **A local financial match for LPAs is not required for this grant program.** Generally, an in-kind match through labor is supplied by the LPAs. **Railroads and Port Authorities are required to provide a 50% financial match for sight obstruction removal and grade crossing surfacing projects *only*. Railroads *are NOT* required to provide a financial match for projects that qualify under “Other Safety Improvements.”**

The INDOT Rail Programs Office also offers the “Crossing Closure” Program as part of the GCF. For Crossing Closures, communities are provided incentive funding to encourage the closure of at-grade crossings. The Crossing Closure Guidelines and Applications are posted on the INDOT Rail website at:
<https://www.in.gov/indot/multimodal/railroad/crossing-closure-grant/> .

This management guide explains the policies and procedures used by the INDOT Rail Programs Office to administer the GCF and provides guidance for INDOT project managers and local recipients to meet their program responsibilities.

After funds are obligated, applicants are informed of selections. The grant recipient list is posted to the INDOT Rail Office Webpage, as well. Once selections are finalized, the funding amount is locked in. Recipients cannot request additional funds if project cost estimates prove insufficient, or it incurs cost overruns.

II. Roles and Responsibilities

Eligible Applicants

Eligible applicants, as defined by the Indiana Code (I.C. 8-6-7.7-6.1), include Indiana cities, counties and towns. Class II and III railroads and Port Authorities are also eligible recipients.

The eligible applicant is responsible for:

- Assessing local highway-railroad crossing safety needs;
- Completing and submitting project applications and certifications of compliance;
- Returning signed grant agreements.

Additionally, an eligible applicant is responsible for the following reporting requirements:

- Correctly preparing and submitting the reimbursement request;
- Providing INDOT with copies of project-related bills and/or invoices;
- Providing quarterly reports until the project is completed.

Eligible Projects

Projects eligible for funding through the GCF include but not limited to:

Local Public Agencies:

- Median barriers at gated crossings.
- Pavement markings on asphalt roads (includes stop bars).
- Signage (advance warning, number of tracks).
- Stop signs are eligible, provided their installation follows guidelines outlined in the federal MUTCD.
- Other safety improvements measures, which can include support for locally sponsored efforts to install lights, gates, or installation of gates at crossings that currently have lights.
- Illumination – cost includes installation only, not continued maintenance/utility costs.

Railroads and Port Authorities:

- LEDs: upgrade existing incandescent bulbs to LED. The cost of the light fixture, casing and installation are eligible for reimbursement.
- Signage – cross-buck assembly (includes retro-reflective tape and post) and/or number of track signs.
Note: ENS Signs are not an eligible signage project
- Sight obstruction removal – in accordance with Indiana Code 8-6-7.6, costs associated with equipment usage, rental, contractor labor, and material may be reimbursable. Requires a 50% match by the applicant. Photos of the proposed area must be included as part of the application.
- Crossing surface maintenance: If the applicant schedules two grade crossing surfacing projects, funding is limited to \$55,000. If the railroad commits to three resurfacing projects within the fiscal year, they may apply for \$75,000. A 50% contribution by the applicant is required at both funding levels.
Note: Internal railroad labor can only go towards the railroad's proportional share of the total project cost of any project.
- Other Safety Improvements: any other project that will directly improve safety at a particular crossing.
Does not require a 50% match.

Administering Agency

INDOT is responsible for administering the Railroad Grade Crossing Fund. This includes:

- Allocating funds using the criteria noted in Section VII.
- Monitoring and accounting for GCF expenditures.
- Providing technical assistance on the GCF program.

Project selection decisions are made by the GCF Committee, which includes the Rail Programs Office Manager (committee chairperson, non-voting member), Senior Rail Planner, Code Enforcement Officer, and two other INDOT employees in rail-related positions. For additional information, contact the Rail Programs Office at (765) 516-0512.

III. Railroad GCF Funding Process

The GCF funding process is divided into the following steps, which are discussed in further detail below:

- Appropriations
- Application Schedule
- Project Selection
- Grant Agreements
- Claims and Payments
- Grant close-out

Appropriations

The Indiana Legislature is responsible for making funding appropriations to the GCF program. The State Legislature typically makes appropriations to the GCF program every two years, in conjunction with the State’s biennial budget process.

Application Schedule

| Activity | Responsible Party | Date |
|--------------------------------------|-----------------------|--------------------------------|
| A. Solicitation Posted on Website | Rail Office | June 19, 2023 |
| B. Railroad GCF Application Deadline | Applicant | July 28, 2023 (5 p.m. Eastern) |
| C. Selection Meeting | Rail Office | Mid-August, 2023 |
| D. Grant Agreement Signatory Process | Applicant/Rail Office | Sept./Oct., 2023 |
| E. Notices to Proceed | Rail Office | December 2023 |
| F. Project Period | Applicant | 18 month (max) duration |

Project Selection

The purpose of the Railroad GCF program is to increase safety at railroad-highway crossings. Under this program, cities, counties, towns, Class II & III railroads and Port Authorities may apply for grants to fund projects. Class I railroads are not eligible.

Criteria used in the project selection process includes need relative to public safety, size of the governmental unit, project type, and grantee's history of awards received. The maximum grant given to a railroad or governmental unit for GCF projects is \$55,000. INDOT reserves the right to line-item veto portions of applications. INDOT also reserves the right to fund, at its discretion, crossing surface projects with higher automobile and rail traffic before projects with lower volumes.

Grant Agreements

After selecting projects to be funded, INDOT will generate a grant agreement with the recipient. Grant agreements are effective for the time period listed in the agreement. The recipient will receive a copy of the Executed Grant Agreement, Purchase Order, the Notice-to-Proceed and funding reimbursement instructions.

Grantees are required to submit Quarterly Progress Reports until the project is completed. These reports are due by the 15th of the month following the end of the quarter, which is April 15 (January – March); July 15 (April – June); October 15 (July – September) and January 15 (October – December). The report is an email with the grant number in the subject line, and a brief project update in the body of the email. A brief project status report example might state the following: "Materials purchased; application scheduled to start in 2 weeks" or "No activity this quarter." Failure to submit required reports may result in the grant being de-obligated.

Claims and Payments

INDOT provides each recipient written instructions for completing and submitting payment reimbursements in the award notification packet. The recipient is responsible for completing a project spending report and providing INDOT with copies of project-related bills and/or invoices.

Auditor requirements: Each grantee must have on file with the State Auditor a current direct deposit form and W-9 form. If your company banking information changes or the address where the payment should be sent changes, please submit an updated W9/direct deposit form to the Senior Rail Planner (e-mail address: railgrant@indot.in.gov). Payment **will be rejected if this information is not current**. The Rail Programs Office will notify the grant applicant if the payment is rejected.

Progressive payments will not be paid at more than 50% of total grant amount. Final payments are made after a project inspection. Grantees should notify INDOT within two weeks of completion by email at railgrant@indot.in.gov to schedule an inspection. Final payment requests **should not** be submitted without a scheduled or completed site inspection and will be returned. Final inspections are not required for grant awards equal to or less than \$3,000.00.

Grant Close-out

Final payment should be received within 45 days of submission. Once the State Auditor zeroes out the purchase order, the grantee will receive a close-out notification from the Rail Programs Office.

IV. Appeals

Any applicant not receiving approval of their application may appeal the selection decision to the INDOT Rail Programs Office Manager, who reviews all appeals. The process for filing an appeal is as follows:

1. The affected applicant must send, by certified mail, an appeal within 15 calendar days after receiving notification of INDOT's decision.

Appeals should be mailed to:

Venetta Keefe, Manager, Rail Programs Office
Indiana Department of Transportation
100 North Senate Avenue, Room N758-MM
Indianapolis, IN 46204-2228

2. INDOT will conduct a preliminary review within 10 working days, and if necessary, request by certified mail additional information from the applicant;
3. INDOT will allow five working days for receipt of additional materials;
4. The Rail Office manager will make a final decision and notify the applicant in writing within 20 working days from the receipt of the appeal request or from the receipt of all requested additional information.
5. The applicant may appeal INDOT's final decision in accordance with Indiana Code 4-21.5-3-1, et seq.

V. Time Extensions

Requests for time extensions for good cause should be forwarded by mail or e-mail to:

Eric Powell, Senior Rail Planner
Indiana Department of Transportation
100 N. Senate Ave, N758-MM
Indianapolis, IN 46204-2228

Or by e-mail to railgrant@indot.in.gov

VI. Award De-obligation

Purchase orders will be closed and any remaining balance de-obligated after final payment. Recipients will receive a grant close-out notice once the project is closed. Also, GCF grant monies will be de-obligated if a project is not completed within the contract timeframe (normally 18 months), including extensions.

VII. Selection Process

Projects are scored using a point system, with the projects funded in highest descending point order until the funds available for the fiscal year are exhausted. Each project type will be ranked individually. Railroad and local public agency projects will be ranked together, although slightly different criteria will be used to evaluate their respective applications. After project selections are complete, INDOT will notify the successful applicants and send an agreement to sign and return. Selections will be posted on the INDOT website: <https://www.in.gov/indot/multimodal/railroad/>. Unsuccessful applicants will be notified individually.

VIII. Grant Monitoring

Applicants receiving a grant are required to retain material reports for two years after completion of the project. The applicant is required to provide INDOT with all project-related reports which INDOT deems necessary to monitor the project.

INDOT may, at its discretion, conduct unscheduled site inspections. Grantees typically have 18-19 months to complete project activities; the time frame is listed in the grant agreement. The State of Indiana encourages the use of minority owned business enterprises (MBE) and women owned business enterprises (WBE) participation on state funded grants when possible.

IX. Application Instructions

To apply for project funding from the Railroad GCF, eligible applicants must submit an application electronically through the Grant Rail Projects (GRIP) system via the INDOT Technical Applications Pathway (ITAP). Please visit <https://www.in.gov/indot/multimodal/railroad/grant-application-process/> for application instructions.

GCF applications are due by close of business (5 p.m. Eastern) on July 28, 2023. The vendor price list (and photos for sight obstruction projects) must also be included. The maximum grant award available to any LPA, Railroad, or Port Authority is \$55,000. The only exception is railroads that agree to resurface three crossings within the fiscal year may apply for \$75,000

Signage and pavement marking projects must meet the specifications of the Indiana MUTCD: <https://www.in.gov/indot/traffic-engineering/traffic-administration-test/manual-on-uniform-traffic-control-device-imutcd/>.

(Frequently Asked Questions, next page)

X. Frequently Asked Questions: Railroad GCF Program

- 1. When can I begin spending money on the GCF-funded project?**
Purchases and other project expenditures can commence upon receipt of a Purchase Order, Notice-to-Proceed, and fully executed contract.
- 2. Who should execute (sign) the contracts?**
For an LPA, the highest-ranking elected official or their designee, usually the city Mayor, President of the County Board of Commissioners, or the Town Manager. For railroads, the Chief Executive Officer or their designee.
- 3. How long does it take to get a fully executed contract after the contract is submitted to the State?**
Approximately 5-8 weeks. Each grantee must receive clearance from the Department of Revenue (DOR) and the Department of Workforce Development (DWD). The Rail Office will notify the grantee if there is an outstanding issue with the DOR or DWD. It is the grantee's responsibility to resolve the issue. The grant award will be held in the GCF Fund until the grantee settles the issue.
- 4. Can we hire a subcontractor to complete the project?**
Yes. The costs associated with the subcontractor are reimbursable under this grant, if included in the original bid sheet.
- 5. Can project funds be used at sites with train activated warning devices?**
Yes. Projects can be applied for both active and passive crossing locations.
- 6. Is a local match required for LPAs? What about railroads and Port Authorities?**
LPAs do not require a match for any project. A 50% railroad or Port Authority match is required for sight obstruction removal and crossing surface maintenance projects. All other railroad/Port Authority projects, including "Other Safety Improvement" projects, do not require a match.
- 7. How will costs over the grant award amount be handled?**
The grantee is responsible for any cost above the original grant award. No additional funds will be made available above the approved project budget.
- 8. How much time do I have to complete the project?**
Projects should be completed within the time period stated in the grant contract/agreement. The normal duration is 18 months.
- 9. Who do I contact if I have questions?**
Contact the INDOT Rail Programs Office at RailGrant@indot.in.gov.

(more FAQs, next page)

10. Is there a maximum grant award?

Yes, the maximum grant award for a successful GCF application is \$55,000 to any local public agency, railroad or Port Authority. (Railroads that commit to resurface three grade crossings within the fiscal year may apply for \$75,000.)

11. Will I receive the original contract back?

No, grantees sign the contract, which after fully executed, is maintained in INDOT records. You will receive a copy of the Executed Contract and Purchase Order.

12. If I do not receive a grant, can I appeal that decision?

Yes. The instructions for filing an appeal are on Page 7 of this document.